

1 J. Stephen Peek, Esq. (Nevada Bar No. 1758)
2 Brad M. Johnston, Esq. (Nevada Bar No. 8515)
HOLLAND & HART LLP
3 5441 Kietzke Lane, Second Floor
Reno, Nevada 89511
Telephone: (775) 327-3000
4 Facsimile: (775) 786-6179

5 Charles K. Verhoeven, Esq.
Amy H. Candido, Esq.
6 Eric Wall, Esq.
QUINN EMANUEL URQUHART
7 OLIVER & HEDGES, LLP
50 California Street, 22nd Floor
8 San Francisco, California 94111
Telephone: (415) 875-6600
9 Facsimile: (415) 875-6700

10 Attorneys for Plaintiff and Counterdefendant Bally Gaming, Inc.
and Third Party Defendant Sierra Design Group
11

12 UNITED STATES DISTRICT COURT
13 DISTRICT OF NEVADA

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15 BALLY GAMING, INC., a Nevada corporation
d/b/a BALLY TECHNOLOGIES,

16 Plaintiff and Counterdefendant,
17 vs.
18 IGT, a Nevada corporation,
19 Defendant and Counterclaimant.
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21 IGT, a Nevada corporation,
22 Third Party Plaintiff,
23 vs.
24 SIERRA DESIGN GROUP, a Nevada
corporation,
25 Third Party Defendant.
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Case No. CV-S-06-0483-ECR-(RAM)

REQUEST TO FILE DOCUMENTS UNDER
SEAL AND | ORDER

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REQUEST TO FILE UNDER SEAL

2 Plaintiff Bally Gaming Inc. (“Bally”) and Third Party Defendant Sierra Design Group
 3 (“SDG”) respectfully request the Court allow Bally and SDG to file under seal the following
 4 documents:
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6 **MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF PLAINTIFF
 7 BALLY GAMING, INC. AND SIERRA DESIGN GROUP’S JOINT EMERGENCY
 MOTION TO STRIKE IGT’S MOTION FOR SUMMARY JUDGMENT NO. 2;**

8 **MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF PLAINTIFF
 9 BALLY GAMING, INC.’S EMERGENCY MOTION TO STRIKE IGT’S MOTION FOR
 10 SUMMARY JUDGMENT NO. 3 AND PORTIONS OF THE ACCOMPANYING
 SERTELL DECLARATION; AND**

11 **CONFIDENTIAL DECLARATION OF ERIC WALL IN SUPPORT OF PLAINTIFF
 12 BALLY GAMING, INC.’S EMERGENCY MOTION TO STRIKE IGT’S MOTION FOR
 13 SUMMARY JUDGMENT NO. 3 AND PORTIONS OF THE ACCOMPANYING
 SERTELL DECLARATION.**

14 The Stipulated Protective Order Regarding Confidential and Privileged Information
 15 provides that, “To the extent that any Confidential or Highly Confidential Information is contained
 16 in, incorporated in, reflected in, described in, or attached to any document submitted to the Court,
 17 counsel shall file that submission under seal.” (See Docket Entry No. 54 at ¶ 12.) The Order
 18 defines “Confidential” material as any information that the designating party has a good faith
 19 belief to be non-public. “Highly Confidential” material is any information that the designating
 20 party has a good faith belief to be proprietary information, trade secrets, or other highly sensitive
 21 commercial or competitive information. (See *id.* at ¶¶ 3-4.)

22 For the foregoing reasons, Bally and SDG respectfully request the Court to order that the
 23 aforementioned documents, along with all exhibits, shall be maintained under seal.
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1 Dated: July 16, 2008
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3 /s/
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5 J. Stephen Peek, Esq.
6 Brad M. Johnston, Esq.
7 HOLLAND & HART LLP
8 5441 Kietzke Lane, Second Floor
9 Reno, Nevada 89511
10 Telephone: (775) 327-3000
11 Facsimile: (775) 786-6179

12 Charles K. Verhoeven, Esq.
13 Amy H. Candido, Esq.
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15 QUINN EMANUEL URQUHART
16 OLIVER & HEDGES, LLP
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18 San Francisco, California 94111
19 Telephone: (415) 875-6600
20 Facsimile: (415) 875-6700

21 Attorneys for Plaintiff and
22 Counterdefendant Bally Gaming, Inc. and
23 Third Party Defendant Sierra Design
24 Group.

25 IT IS SO ORDERED
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27 Dated: July 17 , 2008
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30 Hon. Robert A. McQuaid, Jr.
31 United States Magistrate Judge
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